

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	4:09CR3019
Plaintiff,)	
)	
v.)	MEMORANDUM AND ORDER
)	
CLARENCE D. HERGERT,)	
)	
Defendant.)	

The defendant has moved for a ninety-day continuance of the pretrial motion deadline, currently set for September 18, 2009. (Filing No. [18](#)). Defense counsel explains he needs additional time to review the extensive discovery materials received from the government before filing any pretrial motions. Counsel for the government does not oppose the defendant's motion. The court finds the defendant's motion should be granted.

IT IS ORDERED:

- 1) Defendant's unopposed motion to continue, (filing no. [18](#)), is granted and defendant's pretrial motions and briefs shall be filed on or before December 17, 2009.
- 2) As previously determined, (see filing no. [9](#), ¶ 6), this case is "unusual and complex;" it would be unreasonable for the court to require counsel and the parties to be ready for trial within the time restrictions of the Speedy Trial Act; and therefore this case is exempted from the time restrictions of that Act. See 18 U.S.C. 3161(h)(7)(B)(ii)

- 3) The status conference, previously set for October 1, 2009, is cancelled, without prejudice to re-scheduling at a future date upon at the parties' request.

September 11, 2009.

BY THE COURT:

Richard G. Kopf

United States District Judge